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10/811,304	03/29/2004	Sami Jutila	089229.00135	9640
32294 7590 05/18/2009 SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212				
EXAMINER				
SAMUEL, DEWANDA A				
ART UNIT		PAPER NUMBER		
2416				
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05/18/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/811,304

**Applicant(s)**

JUTILA ET AL.

**Examiner**

DEWANDA SAMUEL

**Art Unit**

2416

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-15, 18-21, and 22-24 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 16, 17, 22 and 25 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This communication is responsive to the communication filed on 01/21/2009. Claims 1-25 are pending.

#### ***Response to Arguments***

2. Applicant's arguments, see remarks, filed 01/21/2009, with respect to the rejection(s) of claim(s) 1-25 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Reynolds ( US patent 6,826,414).

#### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**4. Claims 1, 2,4,6,7, 11,12,14,15,19,21 and 23-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds ( US Patent 6,826,414) in view Coles (PG PUB 2006/0217153).

**With regard to claims 1,10, 18 and 22**, method for selecting a service or service provider in a shared network configuration which includes at least one terminal, at least one access network, and at least two alternatively selectable services or service providers accessible via the access network, comprising :the broadcastings, from the access network to the terminal, a shared network domain ( SND) code which indicates that at least two services or service providers are accessible via the access network; (**Reynolds discloses having mobile stations 18 interpreted as a “ terminal” , a a network fig. 2, a public mobile communication network see abstract**) . **Reynolds further discloses having discloses having private PLMN code and public PLMN code interpreted as “ SND code of two service providers”, see col. 4 lines 29-65); selecting in the terminal or the access network or another network element an available service or service provider, (Reynolds discloses having a subscriber mobile station 8 choose another PLMN cell and its services , see col. 7 lines 35- 55).**

However, Reynolds does not disclose the broadcast SND code is changed only when there is a change in available services or service providers accessible via the access network; the terminal checks whether SND code

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changes, and, when detecting that SND code has changed, checks whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code, (Coles et al. **discloses having method and system for selecting a mobile communication network, see title**). Cole et al. further discloses having an mobile terminal interpreted as a “terminal” which includes a SIM whereby storing a list of preferred public land mobile networks (PLMN) which is associated a code (e.g. MCC and MNC code) interpreted as a “SND code” , see page 1 para[0002]-[0007]). Coles et al. discloses applet detecting a refreshed PLMN list interpreted as “ SND code change”. In addition, Coles et al. discloses the mobile terminal would read the PLMN list as updated to find a suitable network, see page 3 para[0054]).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement a applet as taught by Coles et al. into Reynolds et al. system for determining PLMN change whereby providing efficient roaming capabilities.

**With regard to claim 2**, in combination Reynolds et al. and Coles et al. teaches the methods recited in claim 1. wherein the checking are executed by accessing a memory storing a list of SND codes and associated services or service providers ,( **see col. 6 lines 21-31**).

However, Reynolds does not explicitly disclose when detecting that the SND code has changed from the previous code to a new code, checking in the terminal whether the new SND code is already known to the terminal, and when the new SND code is already known to the terminal, checking in the terminal, the services or service providers available in the present environment in which the new SND code is broadcast, **Coles et al. discloses having method and system for selecting a mobile communication network, see title). Cole et al. further discloses having an mobile terminal interpreted as a “terminal” which includes a SIM whereby storing a list of preferred public land mobile networks (PLMN) which is associated a code (e.g. MCC and MNC code) interpreted as a “SND code” , see page 1 para[0002]-[0007]). Coles et al. discloses applet detecting a refreshed PLMN list interpreted as “ SND code change”. In addition, Coles et al. discloses the mobile terminal would read the PLMN list as updated to find a suitable network, see page 3 para[0054]).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement a applet as taught by Coles et al. into Reynolds et al. system for determining PLMN change whereby providing efficient roaming capabilities.

**With regards to claim 4,** in combination Reynolds et al. and Coles et al. teaches the methods recited in claim 1. wherein the same SND code is broadcast

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for one or several location areas, ( **see col. 5 lines 1-5, a PLMN codes are broadcast on different BCCH).**

**With regard to claim 6** , in combination Reynolds et al. and Coles et al. teaches the methods recited in claim 1. wherein the service providers are operators, ( **see col. 2 lines 64-67**)

**With regards to claim 7**, in combination Reynolds et al. and Coles et al. teaches the methods recited in claim 1. wherein the services are mobile services, ( **see col. 3 lines 8-45, a mobile communication network comprised of mobile stations using network identity codes to obtain services** ).

**With regards to claim 11**, in combination Reynolds et al. and Coles et al. teaches the system recited in claim 10. wherein the terminal includes a memory storing a list of SND codes and associated services or service providers, ( **see col. 5 lines 9-38**).

**With regards to claim 12**, in combination Reynolds and Coles et al. teaches the system recited in claim 10. wherein the access network is configured to broadcast the same SND code for one or several location areas, Las, ( **see col. 5 lines 1-5, a PLMN codes are broadcast on different BCCH**).

**With regards to claim 14,** , in combination Reynolds et al. and Coles et al. teaches the system recited in claim 10. wherein the service providers are operators, ( **see col. 2 lines 64-67**)

**With regards to claim 15,** in combination Reynolds and Coles et al. teaches the system recited in claim 10. wherein the services are mobile services, ( **see col. 3 lines 8-45, a mobile communication network comprised of mobile stations using network identity codes to obtain services** ).

**With regards to claim 19,** in combination Reynolds and Coles et al. teaches the system recited in claim 18. including a memory storing a list of SND codes and associated services or service providers, ( **see col. 5 lines 9-38**).

**With regards to claim 23,** in combination Reynolds and Coles et al. teaches the access network recited in claim 22. which is configured to select an available service or service provider, ( **see col. 6 lines 21-31**).

**With regards to claim 24 ,** in combination Reynolds and Coles et al. teaches the access network recited in claim 22. wherein the access network is configured to broadcast the same SND code for one or several location areas, Las, ( **see col. 5 lines 1-5**)



5. **Claims 3,5, 13 and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds ( US Patent 6,826,414) in view Coles (PG PUB 2006/0217153) as applied to claim 1 above, and further in view of Bourdeaut et al. (EPO 1353521).

**With regards to claim 3**, in combination Reynolds and Coles et al. teaches the method recited in claim 1. However, Reynolds et al does not explicitly discloses the terminal detects that the new SND code received by the terminal is not known to the terminal, detecting in the terminal or the access network or another network element detects services or service providers associated to the new SND code by receiving broadcast or dedicated downlink information which indicates the services or service providers associated to the new SND code, (**Bourdeut et al. discloses having a cell re-selection technique whereby a network broadcasting of PLMN-ids interpreted as "SND code broadcast" and a list of Equivalent PLMNs already present interpreted as "stored SND code" in a MS (e.g. mobile station), see col. 4 para[ 0029]-[0030]).**

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement a cell reselection technique as taught by Boureaut et al. into the modified system of Reynolds et al. determining PLMN changes whereby providing efficient roaming capabilities.

**With regards to claim 5**, Reynolds et al. and Coles et al. teaches the method recited in claim 1. storing in terminal the SND code broadcast in the present access network or location area of the terminal in a memory, ( **see col. 5 lines 9-38**).

However, Reynolds et al. does not disclose changing from the present access network or location area to a new access network or location area comparing in the stored SND code with the SND code broadcast in the new access network or new location area, ( **Bourdeaut et al. discloses having a cell re-selection technique whereby a network broadcasting of PLMN-ids interpreted as "SND code broadcast" and a list of Equivalent PLMNs already present interpreted as "stored SND code" in a MS (e.g. mobile station), see col. 4 para[ 0029]-[0030]**).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made to implement a cell reselection technique as taught by Boureaut et al. into the modified system of Reynolds et al. determining PLMN changes whereby providing efficient roaming capabilities.

**With regard to claim 13**, the system claim is interpreted and rejected on the same grounds set forth in method claim 5.

**With regard to claim 20**, the system claim is interpreted and rejected on the same grounds set forth in method claim 5.

***Allowable Subject Matter***

**6. Claims 8,9,16,17,22 and 25** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Prior Art***

**7.** The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dorsey et al. (PG PUB 2004/0224684)

Bourdeaut et al. (PUB 2004/0203775)

Kuchibhotla et al. ( US Patent 7,305251)

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEWANDA SAMUEL whose telephone number is (571)270-1213. The examiner can normally be reached on Monday- Thursday 8:30-5:30 EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Q. Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/

Supervisory Patent Examiner,  
Art Unit 2416

/DeWanda Samuel/

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